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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,308	06/13/2000	Cary Lee Bates	ROC920000014	7379
7590	04/29/2005		EXAMINER	
Gero G McClellan Thomason Moser & Patterson LLP Suite 1500 3040 Post Oak Boulevard Houston, TX 77056-6582			SMITH, PETER J	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 04/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/592,308	BATES ET AL.	
	Examiner	Art Unit	
	Peter J Smith	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3,4,6-9,12,13,15-18,21,22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3,4,6-9,12,13,15-18,21,22 and 24-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This action is responsive to communications: amendment filed on 12/28/2004.
2. Claims 3-4, 6-9, 12-13, 15-18, 21-22, and 24-33 are pending in the case. Claims 3, 12, and 21 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 3-4, 12-13, 21-22, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, US 5,604,897 patented 2/18/1997 in view of Fein et al. (hereinafter “Fein”), US 5,940,847 filed 1/31/1997.**

Regarding independent claims 3, 12, and 21, Travis teaches recording contents of the document as pre-edited contents in fig. 1-2 and col. 2 line 54 – col. 4 line 27. Travis teaches receiving user edits replacing each problem word contained in the document with a respective replacement word in fig. 1-2 and col. 2 line 54 – col. 4 line 27. Travis teaches after receiving the user edits, recording the contents of the document as post-edited contents and comparing the pre-edited contents to the post-edited contents to identify the problem words and the replacement words, and storing the user-replaced problem words and replacement words to a first data structure, where each user-replaced problem word is associated with the respective replacement word in fig. 1-2 and col. 2 line 54 – col. 4 line 27. Travis teaches determining and indicating one

or more problem words in a second document utilizing the first data structure in fig. 2 and col. 2 lines 8-16.

Travis does not teach that the user-replaced problem words and replacement words are stored in an individual record of the first data structure. Fein does teach storing each user-replaced problem word and respective replacement pairs into an individual record of a data structure to form a customized substitution list in the abstract and col. 3 lines 30-61. Fein teaches a need and solution for user created and customized spelling correction lists. The user may create and save problem words and respective replacements into an individual record specific to the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Fein into Travis to have created the claimed invention. It would have been obvious and desirable to have used the individual user customization of Fein to have created separate user records in the data structure of Travis so that the a customized spelling correction list could have been available to each user of the system.

Regarding dependent claims 4, 13, and 22, Travis does not teach separately storing the pre-edited contents and the post-edited contents to a second data structure, wherein each record of the second data structure includes a pre-edited word field containing pre-edited content, a post-edited word field containing corresponding post-edited content and a changed indication field containing an indicator indicating whether the pre-edited and the corresponding post-edited content are different. Travis does not teach the second data structure because the pairs stored by Travis are necessarily changed and thus do not need the changed indication field because all of the word pairs in the Travis data structure are changed. Travis does teach in fig. 2 providing the user with an option to correct a problem word or not. It would have been obvious to one of

ordinary skill in the art at the time of the invention to have modified Travis to have maintained a second data structure based on the user response in fig. 2 of Travis which would have included a pre-edited word field, a post-edited word field and a changed indication field so that the user could have also automated not correcting problem words in future documents.

Regarding dependent claims 28, 29, and 30, Travis does not teach receiving user identification and storing the user identification in association with the first data structure. Fein does teach a user-specific and user-customizable data structure containing an individual record of problem words and respective replacements in the abstract and col. 3 lines 30-61. The customized substitution list must inherently receive a user identification in order to provide the correct list to a particular user and the list inherently associates the user identification with the word-replacement pairs contained in the list for a particular user. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Fein into Travis to have created the claimed invention. The user customization taught by Fein would have allowed for the personalization of the spelling correction for each user of the system.

Regarding dependent claims 31, 32, and 33, Travis teaches accessing a data structure to identify problem words in another document in fig. 1 and col. 2 line 54 – col. 3 line 25.

4. **Claims 6-7, 15-16, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, US 5,604,897 patented 2/18/1997 in view of Fein et al. (hereinafter “Fein”), US 5,940,847 filed 1/31/1997 as applied to claims 3, 12, and 21 above, and further in view of Grover et al. (hereinafter “Grover”), US 5,818,437 patented 10/06/1998.**

Regarding dependent claims 6, 15, and 24, Travis does not teach assigning a priority value to each problem word. Grover does teach assigning a priority value to each problem word in col. 7 line 61 – col. 8 line 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Grover into Travis in view of Fein to have created the claimed invention. It would have been obvious and desirable to have assigned a priority value to the problem words so that the user could have known which words were the most problematic for them.

Regarding dependent claims 7, 16, and 25, Travis does not teach wherein the priority value is determined according to a number of times a particular problem word is replaced by the user with the respective replacement word. Grover does teach wherein the priority value is determined according to a number of times a particular problem word is replaced by the user with the respective replacement word in col. 7 line 61 – col. 8 line 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Grover into Travis in view of Fein to have created the claimed invention. It would have been obvious to have assigned the priority value based on word frequency since the most frequent problem words are the ones which would the user needs the most help in fixing.

5. **Claims 8-9, 17-18, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, US 5,604,897 patented 2/18/1997 in view of Fein et al. (hereinafter “Fein”), US 5,940,847 filed 1/31/1997 as applied to claims 3, 12, and 21 above, and further in view of Cai et al. (hereinafter “Cai”), US 6,175,834 B1 filed 06/24/1998.**

Regarding dependent claims 8, 17, and 26, Travis does not teach assigning a formatting definition to each problem word for use in identifying words on a display device. Cai teaches assigning a formatting definition to each problem word for use in identifying words on a display device in col. 8 lines 18-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Cai into Travis in view of Fein to have created the claimed invention. It would have been obvious and desirable to have highlighted the problem words so that the user could have easily viewed them in the document.

Regarding dependent claims 9, 18, and 27, Travis does not teach wherein the formatting definition is selected from one of a color, a shading, a textual modification, an underline and any combination thereof. Cai teaches wherein the formatting definition is selected from one of a color, a shading, a textual modification, an underline and any combination thereof in col. 8 lines 18-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Cai into Travis in view of Fein to have created the claimed invention. It would have been obvious and desirable to have highlighted the problem words so that the user could have easily viewed them in the document.

Response to Arguments

6. Applicant's arguments filed 12/28/2004 have been fully considered but they are not persuasive. Regarding Applicant's arguments in pages 8-10 that Travis does not teach the claimed limitations of recording pre-edited contents and the post-edited contents of the document and then comparing the pre-edited contents to the post-edited contents to identify the problem words and replacement words, the Examiner respectfully disagrees. Travis teaches in col. 2 lines

50-53 that the corrected before file maybe be updated by a user. The Examiner believes that Travis does teach the broadest reasonable interpretation of recording pre-edited contents and the post-edited contents of the document and then comparing the pre-edited contents to the post-edited contents to identify the problem words and replacement words. Since Travis teaches allowing a user to update the corrected before file, Travis allows a user to identify a misspelled word and that word is saved as pre-edited contents. Travis then allows the user to edit the word and save the edited version of the word as post-edited contents. Now that the word has been edited and a corresponding post-edited contents is saved, the word is identified as a problem word and saved in the corrected before file along with the post-edited version of the word. Travis then provides teachings as to how the pre-edited contents are used to automatically identify problem words in another document and also teachings how the post-edited contents are used to automatically correct the problem words identified in said another document. Thus, the Examiner maintains that Travis teaches recording pre-edited contents and the post-edited contents of the document and then comparing the pre-edited contents to the post-edited contents to identify the problem words and replacement words as defined in the claimed invention.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS
4/23/2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER